

Message Text

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TO USMISSION GENEVA IMMEDIATE

AMEMBASSY LUXEMBOURG IMMEDIATE

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AMEMBASSY TOKYO

AMEMBASSY BRUSSELS

INFO AMEMBASSY BELGRADE

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E.O. 11652: NA

TAGS:ILO

SUBJECT: ILO WORKING PARTY ON STRUCTURE

REF: GENEVA 434,OTTAWA 261

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1. IN RESPONSE TO GENEVA'S REQUEST FOR MATERIAL WITH WHICH TO GIVE ADVANCE BRIEFING TO CANADIAN AND JAPANESE GOVERNMENT REPRESENTATIVES BEFORE WORKING PARTY ON STRUCTURE MEETS FEBRUARY 2, FOLLOWING ARE BRIEF SUMMARIES ON KEY ITEMS:

A. ARTICLE 7 OF THE ILO CONSTITUTION ON THE TEN NON-ELECTIVE GOVERNMENT SEATS ON THE GOVERNING BODY FOR THE STATES OF CHIEF INDUSTRIAL IMPORTANCE: USG HAS CAREFULLY CONSIDERED AGO'S REVISED PROPOSALS OF NOVEMBER AND CONSULTED WITH US WORKERS AND EMPLOYERS ON THIS ISSUE. US CONTINUES TO OPPOSE ANY CHANGE IN THE CONSTITUTION WHICH WOULD ESTABLISH A FORMULA FOR THE GEOGRAPHIC DISTRIBUTION OF GOVERNMENT SEATS ON THE GOVERNING BODY BECAUSE OF THE POTENTIAL THAT, ONCE ADOPTED FOR THE GOVERNMENT GROUP, SUCH FORMULA COULD BE EXTENDED TO AND IMPOSED ON THE TWO NON-GOVERNMENT GROUPS. SUCH EXTENSION WOULD DESTROY THE AUTONOMY OF THE NON-GOVERNMENT GROUP TO DETERMINE THE REPRESENTATION OF THEIR RESPECTIVE GROUP INTERESTS ON THE GOVERNING BODY.

B. ARTICLE 36 OF THE ILO CONSTITUTION ON GIVING EFFECT TO AMENDMENTS OF THE CONSTITUTION: THIS ARTICLE, REFERRING TO FIVE OF THE TEN STATES OF CHIEF INDUSTRIAL IMPORTANCE, IS CLOSELY TIED TO ARTICLE 7. UNTIL SOME WIDELY ACCEPTED BASIS FOR THE REVISION, IF ANY, OF ARTICLE 7 IS REACHED, USG IS OPPOSED TO THE AMENDMENT OF ARTICLE 36.

C. ARTICLE 17 OF THE STANDING ORDERS OF THE CONFERENCE ON RESOLUTIONS PROCEDURE: USG IS PREPARED TO DROP THE REFERENCE TO THE OFFICERS OF THE GOVERNING BODY FROM THE TEXT OF ITS AMENDMENT, AND TO SUBSTITUTE THEREFOR A PANEL OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS CONSISTING OF THE CHAIRMAN OF THE COMMITTEE OF EXPERTS AND TWO MEMBERS OF THE COMMITTEE SELECTED BY THE COMMITTEE. THE USG OPPOSES THE UK OR OTHER SUGGESTIONS TO ADD THE ILO CONSTITUTION TO THE CRITERIA FOR DETERMINING WHAT IS WITHIN THE COMPETENCE OF THE ILO, BECAUSE THE CONSTITUTION IS SO BROAD IN ITS WORDING (E.G., ITS PREAMBLE REFERS TO "UNIVERSAL AND LASTING PEACE" AND LIMITED OFFICIAL USE

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TO "SOCIAL JUSTICE") THAT ALMOST ANY SUBJECT COULD BE ARGUED TO BE INCLUDED WITHIN THE COMPETENCE OF THE ILO. THE CRITERIA FOR THE DETERMINATION OF RECEIVABILITY MUST BE AS OBJECTIVE AS POSSIBLE AND NOT RELY ON SUBJECTIVE JUDGMENTS. WERE THE ILO CONSTITUTION TO BE ADDED TO THE CRITERIA FOR THE DETERMINATION OF RECEIVABILITY, THE DIRECTOR GENERAL WOULD HAVE NO OBJECTIVE BASIS FOR PRELIMINARILY WITHHOLDING THE CIRCULATION OF A RESOLUTION;

THE WHOLE PROCESS WOULD BE IMMOBILIZED; AND THE OBJECTIVE OF THE US AMENDMENT WOULD BE COMPLETELY DESTROYED. IT IS AGAIN EMPHASIZED THAT THE US PROPOSAL RELATED EXCLUSIVELY TO RESOLUTIONS PROPOSING THE CONDEMNATION OF AN ILO MEMBER STATE. IT IS NOT, AS IS OFTEN ASSUMED, AN EFFORT TO WEED OUT ALL RESOLUTIONS WHICH MIGHT BE CONSIDERED BY SOME TO INTRODUCE IRRELEVANT "POLITICAL" SUBJECTS. THE US PROPOSAL IS AN EFFORT TO MEET THE THIRD ISSUE ARTICULATED IN THE US NOTIFICATION OF INTENTION TO WITHDRAW FROM THE ILO, NAMELY: THE DISREGARD OF DUE PROCESS. IF THE US PROPOSAL IS SUPPORTED, THE USG WOULD HAVE NO DIFFICULTY IN SUPPORTING THE CZECH OR OTHER PROPOSALS TO INCREASE FROM FIVE TO TEN THE NUMBER OF RESOLUTIONS WHICH WOULD BE ASSIGNED A PRIORITY ORDER FOR CONSIDERATION BY THE RESOLUTIONS COMMITTEE (I.E., THE REVISION OF PARAGRAPH 5(A) OF ARTICLE 17 OF THE STANDING ORDERS OF THE CONFERENCE).

D. ARTICLE 17 OF THE ILO CONSTITUTION ON THE QUORUM: AS WE UNDERSTAND IT, NO SPECIFIC ALTERNATIVE TO THE WORKER PROPOSAL FOR THE AMENDMENT OF ARTICLE 17 HAS BEEN PUT

BEFORE THE WORKING PARTY SINCE THE WORKING PARTY DISCUSSED THE WORKER PROPOSAL IN NOVEMBER AND COULD ARRIVE AT NO AGREEMENT. WE ALSO UNDERSTAND THAT THE WORKERS WERE TO RECONSIDER THEIR PROPOSAL WITH A VIEW TO DEVELOPING REVISIONS THEREOF AND SUBMITTING THEM TO THE WORKING PARTY FOR ITS FURTHER CONSIDERATION; AND THAT SUCH REVISIONS HAVE NOT YET BEEN SUBMITTED TO THE WORKING PARTY. THE USG BELIEVES THAT ANY ALTERNATIVE PROPOSAL ON SO COMPLEX A SUBJECT AS THIS CANNOT BE RECEIVED, ASSESSED, NEGOTIATED, AND AGREED WITHIN THE ONE WEEK (FEBRUARY 9-13) SESSION OF THE WORKING PARTY. IN VIEW OF THIS TIME CONSTRAINT IN DEALING WITH SUCH A COMPLEX SUBJECT, AND OF THE OTHER MORE LIMITED OFFICIAL USE

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IMPORTANT ISSUES (SEE ABOVE) WHICH MUST BE CONSIDERED, WE WOULD PREFER NOT TO SPEND MUCH TIME IN THIS WORKING PARTY ON THIS SUBJECT. IF, HOWEVER, THE WORKING PARTY DECIDES TO DISCUSS THE QUORUM, (1) USG WISHES TO TAKE AS CONSTRUCTIVE AND POSITIVE POSITION AS POSSIBLE IN THE CONSIDERATION OF AMENDMENTS TO THE QUORUM RULE WHICH WILL HELP TO OVERCOME THE MAJOR PROBLEMS AND DISSATISFACTIONS WITH THE PRESENT RULE, AND WHICH DO NOT RAISE MORE SERIOUS PROBLEMS OR APPEAR TO HAVE GREATER DISADVANTAGES THAN THE PRESENT RULE FROM THE STANDPOINT OF OUR INTEREST. ANY REVISION OF THE PRESENT RULE, WHICH ADDRESSES ITSELF TO ITS MOST SERIOUS PROBLEMS AND DISSATISFACTIONS, WILL HAVE TO DEAL WITH THE QUESTION OF THE INCLUSION OR EXCLUSION OF ABSTENTIONS IN THE DETERMINATION OF A QUORUM. IT WILL TAKE SOME TIME IN ORDER TO DETERMINE WHETHER OR NOT SUCH

AMENDMENT WOULD BE MORE OR LESS DISADVANTAGEOUS THAN THE PRESENT RULE; (2) IF THE WORKER PROPOSAL WHICH WAS CONSIDERED IN NOVEMBER IS AGAIN CONSIDERED, WE WOULD SUPPORT IT, IN CONFORMANCE WITH THE ADVICE GIVEN BY THE OFFICE OF THE LEGAL ADVISOR THAT IT WILL ENCOURAGE GREATER DELEGATE PARTICIPATION AND MORE RESPONSIBLE VOTING BY DELEGATES. IF OUR ASSUMPTION EXPRESSED ABOVE (THAT NO SPECIFIC PROPOSAL IS NOW BEFORE THE WORKING PARTY FOR ACTIVE CONSIDERATION) IS CORRECT, WE SEE NO LIKELIHOOD THAT A NEW SPECIFIC PROPOSAL COULD BE RECEIVED, ASSESSED, NEGOTIATED, AND AGREED BY THE WORKING PARTY WITHIN THE ONE WEEK (FEB 9-13) OF ITS PRESENT SITUATION. WE DO NOT WISH, HOWEVER, TO INHIBIT THE PRESENTATION OF NEW PROPOSALS, NOR THROW ANY ROADBLOCKS IN THE WAY OF THEIR CONSIDERATION; (3) IN ORDER TO INSURE THAT THE GREATEST POSSIBLE PROGRESS ON THIS ISSUE CAN BE MADE AT THIS SESSION OF THE WORKING PARTY, THEREFORE, THE USG IS PREPARED TO: (A) SUPPORT THE ALLOCATION OF TIME AT THIS SESSION FOR THE RECEIPT AND INITIAL DISCUSSION OF ANY SPECIFIC PROPOSALS FOR THE AMENDMENT OF THE QUORUM RULE, ON THE UNDERSTANDING THAT

THE US REP WILL HAVE TO REFER SUCH PROPOSALS TO WASHINGTON FOR CAREFUL ANALYSIS AND THUS WILL PROBABLY BE UNABLE TO TAKE DEFINITIVE POSITION THEREON AT THIS SESSION, AND (B) SUPPORT THE ESTABLISHMENT OF A SUBCOMMITTEE OF THE WORKING PARTY TO STUDY THE ISSUES AND REPORT TO THE NEXT MEETING
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OF THE WORKING PARTY.

3. US PLANS TO DISCUSS THESE ISSUES, AND PARTICULARLY THE MANNER IN WHICH THE US POSITION ON ARTICLES 7 AND 36, AS DESCRIBED ABOVE, CAN BEST BE HANDLED, AT THE MEETING OF SELECTED GOVERNMENT REPS OF THE WORKING PARTY WHICH THE MISSION HAS SCHEDULED FOR THE AFTERNOON OF SUNDAY, FEB. 1.

4. FOR POSTS OTHER THAN GENEVA, PLEASE CONTACT: DENYS, MINISTRY OF EMPLOYMENT AND LABOR OF BELGIUM; MESSRS. MAINWARING AND DE MERLIS, DEPARTMENT OF LABOR OF CANADA; AGO, ROME UNIVERSITY OF ITALY; MORGAN THROUGH FORWARD, DEPARTMENT OF EMPLOYMENT OF UK; AND RYUZO IWASAKI, DEPUTY VICE MINISTER FOR INTERNATIONAL LABOR AFFAIRS OF THE MINISTRY OF LABOR OF JAPAN.

5. FOR GENEVA: PLEASE INFORM GENEVA MISSIONS OF ABOVE COUNTRIES (AND IN CASE OF JAPAN, AMBASSADOR TSURUMI PERSONALLY). ALSO PLEASE INFORM FRG AND FRENCH MISSIONS.
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